



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health- Veterinary Board of Governors

- ☐ Preproposal Statement of Inquiry was filed as WSR ; or
☐ Expedited Rule Making-Proposed notice was filed as WSR ; or
☒ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice to WSR
☐ Continuance of WSR

Title of rule and other identifying information: (Describe Subject)

New Section WAC 246-933-200 - Delegation of authority to initiate investigations for veterinarians, New Section WAC 246-935-150 Delegation of authority to initiate investigations for veterinary technicians and New Section WAC 246-937-120 Delegation of authority to initiate investigations for veterinary medication clerks. This proposal delegates authority to Department of Health through the Case Management Team to determine that a case warrants investigation, and requires final approval from a member of the Veterinary Board of Governors to actually initiate the investigation.

Hearing location(s): Department of Health
Center Point Corporate park
20435 72nd Avenue South
Conference Room Two
Kent, Washington 98032

Date: March 5, 2007Time: 10:00 a.m.**Submit written comments to:**

Name: Judy Haenke, Program Manager

Address: P O Box 47868

Olympia, WA 98504-7868

Website: <http://www3.doh.wa.gov/policyreview/>fax (360)586-4359by (date) 02/26/2007**Assistance for persons with disabilities: Contact**Judy Haenke by 02/26/2007TTY (800) 833-6388 or () 711**Date of intended adoption:** 03/05/2007

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The purpose of the proposed rule is to allow the board to delegate the decision of whether to investigate a complaint against a veterinarian, veterinary technician or veterinary medication clerk to the department through the case management team. A member of the Veterinary Board of Governors will provide final review and approval of the recommendation. This delegation will allow more frequent review of cases, resulting in cases moving more quickly through the disciplinary process, while reducing workload. This process will protect the public health and safety by expediting the initiation of investigations. The proposed rule creates three new sections. There are no changes to existing rules.

Reasons supporting proposal:

A recent court of appeals decision, Client A v. Yoshinaka, 128 Wn. App. 833, 116 P.3d 1081(2005), clarified that the disciplinary authority must determine whether a case should be investigated unless that decision making authority was delegated through the formal rules process. The proposed rule will delegate the decision to investigate to a department of health case management team, while maintaining Board oversight. The delegation will allow cases to move through the investigative process more quickly.

Statutory authority for adoption:

RCW 18.92.030 and RCW 18.130.050

Statute being implemented:

RCW 18.130.080

Is rule necessary because of a:

Federal Law?

Federal Court Decision?

State Court Decision?

☐ Yes ☒ No☐ Yes ☒ No☒ Yes ☐ No

If yes, CITATION:

Client A v. Yoshinaka, 128 Wn. App. 833,
116 P.3d 1081 (2005)DATE 1/22/2007

NAME (type or print)

Lisa Salmi

SIGNATURE

Lisa Salmi

TITLE

Acting Executive Director

CODE REVISER USE ONLYCODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JAN 23 2007

TIME

402

AM

WSR

07-03-151

PM

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization) Department of Health Veterinary Board of Governors

☐ Private

☐ Public

☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Judy Haenke	310 Israel Road SE, Tumwater, WA 98501	(360) 236-4947
Implementation..... Judy Haenke	310 Israel Raod SE, Tumwater, WA 98501	(360) 236-4947
Enforcement..... Judy Haenke	310 Israel Road SE, Tumwater, WA 98501	(360) 236-4947

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

☒ No. Explain why no statement was prepared.

The Department has determined that the proposed rule relates to internal governmental operations that are not subject to violation by a non-governmental party. The rule is exempt from a Small Business Economic Impact Statement under RCW 19.85.025, which does not apply to rules adopted under RCW 34.05.310(4)(b).

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

☒ No: Please explain: This rule is exempt from the cost-benefit analysis requirements under RCW 34.05.328(5)(b)(ii).

DELEGATION OF AUTHORITY--VETERINARY

NEW SECTION

WAC 246-933-200 Delegation of authority to initiate investigations. The board delegates to a department of health case management team the authority to initiate an investigation when the board or department receives information that a licensee may have engaged in unprofessional conduct or may be unable to practice with reasonable skill and safety by reason of a mental or physical condition. The case management team will consist of, at a minimum, the executive director or his or her designee, an investigator and a staff attorney. A member of the board licensed under chapter 18.92 RCW will provide final review and approval of the decision to investigate.

DELEGATION OF AUTHORITY--VETERINARY TECHNICIANS

NEW SECTION

WAC 246-935-150 Delegation of authority to initiate investigations. The board delegates to a department of health case management team the authority to initiate an investigation when the board or department receives information that a registered veterinary technician may have engaged in unprofessional conduct or may be unable to practice with reasonable skill and safety by reason of a mental or physical condition. The case management team will consist of, at a minimum, the executive director or his or her designee, an investigator and a staff attorney. A member of the board licensed under chapter 18.92 RCW will provide final review and approval of the decision to investigate.

DELEGATION OF AUTHORITY--VETERINARY MEDICATION CLERKS

NEW SECTION

WAC 246-937-120 Delegation of authority to initiate investigations. The board delegates to a department of health case management team the authority to initiate an investigation when the board or department receives information that a registered veterinary medication clerk may have engaged in unprofessional conduct or may be unable to practice with reasonable skill and safety by reason of a mental or physical condition. The case management team will consist of, at a minimum, the executive director or his or her designee, an investigator and a staff attorney. A member of the board licensed under chapter 18.92 RCW will provide final review and approval of the decision to investigate.